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ABSTRACT

This training module was developed to educate personnel about the issue of self-advocacy by individuals with disabilities. The module includes workshop content (with side notes to the trainer in italics), overheads, and many handouts. Preliminary information includes module purpose and overall learning objectives, a module outline, materials needed for the workshop, and adaptations for individuals with disabilities. The first section introduces self-advocacy by defining the term and discussing why self-advocacy is important. The next section considers basic human rights of all people. A major section examines the advocacy process, including specific advocacy skills, individual responsibility, understanding oneself, the importance of wanting to change, the importance of identifying the need or problem, the need for self-advocates to educate themselves, the need for developing a plan of action, and the need for willingness to take action. The following section offers suggestions for being an advocate, such as keeping a "Very Important Papers File" which may consist of medical evaluations, rehabilitation plans, and financial information; and tips for advocating by letter and telephone. Sample scenarios are provided for discussion of self-advocacy skill development. A final section gives guidance for developing a personal portfolio that highlights individual strengths while noting disability accommodation needs. Contains 10 references. (DB)

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CREATING EMPLOYMENT OPPORTUNITIES

SELF-ADVOCACY



Martha Wille Gregory, Editor

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This Creating Employment Opportunities (CEO) Project has been produced in cooperation with the University of Missouri - Columbia, Longview Community College, and Southwest Missouri State University.

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Self-Advocacy

Directions For Use

This module was developed to train and educate personnel about the issue of self-advocacy and to demonstrate their role in the development of self-advocacy for students with disabilities. This module may be adapted slightly in order to train and educate persons with disabilities about self-advocacy and its role in their life and especially in their search for employment.

This module may be adapted to fit the situation and the audience. Specific concepts may be deleted or expanded as the situation demands. The trainer should use the script only as a tool and not read the material verbatim. Interaction with the audience is encouraged. Interaction will allow personal ideas and experiences of group members to add to the value of this module.

The training objectives for this workshop are to:

1. Gain an understanding of the term self-advocacy and what it means in relation to people with disabilities.
2. Demonstrate the responsibilities of the student in relation to knowing their own strengths, weaknesses, needs and necessary accommodations.
3. Describe specific skills which are important for effective self-advocacy.
4. Provide resources of various agencies and organizations that serve as advocates for people with disabilities.

The outline of this module is:

- I. Introduction**
 - A. Purpose
 - B. Objectives
- II. Self-Advocacy**
 - A. Definition
 - B. Why self-advocacy is important
- III. Rights**
- IV. The Advocacy Process**
 - A. Specific advocacy skills
 - B. Responsibility for your actions
 - C. Understanding yourself
 - D. Person/family must feel a need for change
 - E. Person/family must identify the need/problem
 - F. Self-advocates must educate themselves

- G. Person must develop a plan of action
- H. Self-advocates must be willing to take action
- V. **Being An Advocate**
- VI. **Skill Development**
- VII. **Portfolio**
 - A. Personal education, work, and volunteer experience
 - B. Personal disability/accommodation
 - C. Specific personal abilities
 - D. Letters of recommendation
 - E. Examples of projects
- VIII. **Resources**
- IX. **Conclusion**

This module contains handouts and overheads that can be used to illustrate points. Cues are given on the right side of the page on the proper time to use or refer to the overheads and handouts. The handouts and overheads are located in the back of the module. Notes to the trainer are in *italicized* script. This is meant to be used as a tool and not read aloud to the audience. When conducting the training, there are a few things to remember:

PRIOR TO TRAINING:

- Know your audience and know the number of participants
- Have the handouts ready and in packets
- Determine if alternative formats will be needed
- Rehearse! Rehearse! Rehearse!
- Check over equipment
- If possible, check out the facility to familiarize yourself
- Be early

During the training:

- Have fun, be relaxed. Allow for interaction. Put in examples from your own life.
- Do not run late. Start and end on time.

WHEN USING THE EQUIPMENT:

- when using the overhead, use a sheet to cover information until it is disclosed.
- Use a pointer or pen to point to information.

ADAPTATIONS FOR INDIVIDUALS WITH DISABILITIES:

- Make sure all participants are included in the activities.
- Make available if necessary, large print, braille or taped copies of presentation.
- Ask the individual what type of accommodation is needed.
- Repeat questions from the audience.
- Speak in a normal voice.
- If not using the overhead, turn it off. It can be distracting.

MATERIALS NEEDED FOR THIS TRAINING SESSION:

- Handouts
- Pencils/pens
- Name tags (optional)
- Overhead Projector/Projector screen
- Markers for use with overhead projector
- Overheads
- Podium

I. Introduction

A. PURPOSE

This module was developed to train and educate individuals about the term self-advocacy and to demonstrate their role in the development of self-advocacy for students with disabilities. This module may be adapted slightly to ADAPT TO THE TRAINING NEEDS OF THE AUDIENCE.

Overhead/Handout #1
Objectives

B. OBJECTIVES

1. Gain an understanding of the term self-advocacy and what it means in relation to people with disabilities.
2. Demonstrate the responsibilities of the student in relation to knowing their own strengths, weaknesses, needs and necessary accommodations.
3. Describe specific skills which are important for effective self-advocacy.
4. Provide resources of various agencies and organizations that serve as advocates for people with disabilities.

II. Self-Advocacy

A. DEFINITION OF SELF-ADVOCACY

What does self-advocacy mean to you?

To Trainer: List brief, two or three word descriptions of their responses on an overhead projector. Examples may include: standing up for self, making own decision, exercising rights.

Overhead #2
Successful Self-advocate

As we can see from our discussion, self-advocacy is something that each of us does in one form or another daily. Self-advocacy means to stand up for your own rights, to speak for yourself and to look for help when you need it, and to take charge of your own life. For someone with a disability being a successful self-advocate includes being assertive, effectively communicating needs, and understanding why and what accommodations are required and believing in their own abilities (Scheiber, & Talpers, 1987). A goal of self-advocacy is to increase an individual's knowledge and understanding of human and civil rights and of their responsibilities as a result of these rights (Williams & Shoultz, 1984).

B. WHY SELF-ADVOCACY IS IMPORTANT

Overhead #3
Why Self-advocacy is
Important

Self-advocacy is important for individuals with disabilities because it allows them to have control of their lives. Advocating for oneself enhances the development of the resources necessary, both internal and external, for individuals to achieve their own goals. The ultimate goal is for each individual to take their rightful place as a participating and contributing member of society.

Unfortunately, many students, particularly students with disabilities, have not learned to self-advocate or self-determine. Often times, decisions are made by well-meaning parents and teachers while the student is in school. The student is not able to participate in the decision-making process and does not learn the steps and process involved. This is detrimental to the student. Once the student leaves school, the student is expected to ask for accommodations or services that, up to this point, have been provided. The Americans with Disabilities Act of 1990 (ADA) attempts to send a far different and more acceptable message to people with disabilities. The message is that everyone should have the opportunity to be independent and self-sufficient. The ADA further states that society will help by enforcing federal laws to protect people with disabilities from unfair discrimination in education, employment, and day-to-day living. The passage of this law does not automatically change the thinking and beliefs of people with disabilities or people without disabilities. Because of this, people with disabilities need to know their rights and it is the person's duty to stand up and speak for themselves. A goal of self-advocacy is to increase an individual's knowledge and understanding of human and civil rights and their responsibilities as a result of these rights (William & Shoultz, 1984).

III. Rights

Handout #2/Overhead #4
Rights

It is essential for people with disabilities to know their rights and what these rights mean to them personally. An individual's understanding of their rights will enable them to know when someone tries to take them away and what actions can be taken to prevent this from happening. There are several types of rights that we need to be aware of: basic human rights and civil and legal rights.

To Trainer: Ask participants to think about different rights and write some of them down.

Take a few minutes now to write down a few examples of basic rights. What are some of the examples you came up with for basic rights?

To Trainer: Take answers from several of the group members. Some examples may be the "right to":

- *life*
- *choice*
- *freedom*
- *making your own decision*
- *marry*
- *use birth control*
- *have help when voting*
- *say "NO"*
- *worship*
- *due process*
- *petition for change*
- *equal protection*
- *vote*
- *the least restrictive environment*
- *informed consent*

Put up the overhead as you briefly discuss these rights.

As we can see from these examples, basic rights are taken for granted daily. They belong to each of us at birth and are addressed in the Declaration of Independence. These rights can only be denied in very special and rare circumstances. Having a disability or being different is not reason enough for a right to be denied to a person. There have been occasions, however, when these rights were not guaranteed for people with disabilities. An objective of those concerned with the establishment and protection of rights is to turn human rights into formalized legal rights, thereby protecting these rights for individuals with even the most severe disabilities (Williams & Shoultz, 1984).

To Trainer: Below are various advocacy skills. Depending on time go through each one or just a few.

IV. The Advocacy Process

A. SPECIFIC ADVOCACY SKILLS

Overhead #5
Specific Advocacy Skills

- Seek the assistance of another. It is important to use the people around you and their knowledge. A person should seek assistance of another such as a parent, advocate, or caregiver. Many times an outside source will be able to provide an objective point of view or may have knowledge in the area. Use these people as mentors. One day, you may be a mentor to someone else.
- Learn the terminology and legislation. Individuals in this process should be aware of the terminology and legislation of the issues they are working towards. To be an "efficient" advocate, the person must know what the issues are and how to speak out them intelligently. There are Civil Right laws that protect individuals from discrimination. The latest is the Americans with Disabilities Act of 1990 (ADA). This prohibits discrimination against individuals with disabilities.
- Seek information. Information is POWER! A person can never have too much knowledge and information. Speak to people, research, and keep your ears and eyes open. Productive changes usually do not occur due to ignorance on a subject.
- Find programs and services for the person. Research existing programs and agencies. There could be programs that are currently taking on a similar project and by working towards the goal together, the situation may be expedited.
- Acquire new skills. An important part of learning to self-advocate is learning new skills. Learn how to speak on the phone and in front of people. Improve your writing skills by writing letters and documenting events. Not everyone is a born advocate, but by learning the process and skills involved everyone can be.
- Problems can be seen as "challenges." An important skill to develop is the ability to recognize and delineate alternative approaches or solutions to problems, to consider the advantages and disadvantages of each alternative and to decide on the best one. (Williams & Shultz, 1984).
- Another skill to learn is communication. According to Williams and Shultz (1984), an individual's communication skills have a direct effect on their ability to practice self-advocacy and join successfully with others in a group. It is important for people with disabilities to acquire the skills

necessary to express themselves well. Some examples of specific skill areas include the ability to speak clearly, use eye contact, proper use of gestures, use body posture and facial expression, and listen well.

- Also, a skill to cultivate is assertiveness. One way that people with disabilities can more effectively advocate for themselves is by learning to become more assertive (Cummings, 1992). We need to fully understand what it means to be assertive, as well as the difference between assertive, aggressive, and passive behavior. How would you define each of these terms?
- Document EVERYTHING! This is so vital to remember when asking for an accommodation or if a situation has come up at work, write down everything that happened, date, time, and people involved. If the situation indicates a person needs to speak with a supervisor or seek legal assistance everything must be in writing. A person can not say, "I spoke to Tom 5-6 times around May or so" and expect it to hold much power.

Overhead #6
Assertive, Aggressive
and Passive Behavior

B. RESPONSIBILITY FOR YOUR ACTIONS

Side by side with rights go responsibilities. If we want to have our rights respected, we must respect the rights of others, and this involves behaving towards others in a responsible way. Rights should not be wasted by using them carelessly or without adequate preparation or information (Williams & Shoultz, 1973). Some specific examples which most of us do might include:

- the responsibility to register as a voter before election time
- to know who the candidates are before voting
- the responsibility to go to work every day
- to be on time
- to do the job as well as you can
- to be responsible for knowing how you will get to work, whether it is by taxi, bus, commuter train, or by way of a reliable friend

Overhead #7
Responsibilities

C. UNDERSTAND YOURSELF/KNOW YOUR NEEDS

A good understanding of oneself is necessary in order to be a good self-advocate. Every person has values and beliefs that help mold them into the person that they are. We all need goals and objectives to give our lives direction and a reason for doing anything that we do. To achieve these goals we have to decide what steps we are going to take, what kind of changes we might have to make, and the different costs in terms of time, money, labor, etc.

One strategy that is beneficial for anyone to employ in reaching their goals and objectives is to learn to recognize and use their strengths—things they do well and to know how to compensate for their weaknesses—things they do not do well. For people with disabilities this is especially important. It is very easy for a potential employer to look at an individual with a disability and only see what is perceived as a weakness, the disability (McDonough, 1992). It is important for the individual with the disability to eliminate that thought. The individual will be equipped to do this if they know themselves well. The individual needs to be aware of strengths which have been cultivated to compensate for a problem area and demonstrate techniques developed to accommodate what appears to others to be a weakness (McDonough, 1992).

Handout #3
Goal Worksheet

Activity

I have an exercise for each of you to work on to help in understanding the process of setting goals and determining which strengths and weaknesses for meeting those goals.

To Trainer: Show an example of the Goal Worksheet to the group so they can identify the correct handout from their packet.

On this paper, I would like for you to write one goal. This can be anything that you would like to accomplish. It can be as simple or as complex as you would like to make it. For example, you may have a goal to plant a flower garden in the spring or you may have a goal to become president of an university someday. After you have selected the goal that you would like to work on, list areas you feel are strengths that will help you achieve this goal. Then list areas you feel may be weaknesses, areas you will need to cultivate in order to achieve this goal. Under the weaknesses, list some steps that you can take to help turn the weaknesses into strengths. Here is an example that may help you get started.

Overhead #8
Sample Goal Worksheet

To Trainer: Briefly discuss the sample worksheet and then allow 10 minutes for each group member to work on their own worksheet. After they finish, ask for two or three volunteers to share their ideas with the group.

Learn to ask for what you need

People with disabilities are typically very good problem solvers. Because of this it would seem that they would be asked to play an active part in establishing their work-based needs. However, in a

competitive work environment, time is equal to productivity, and employers may not allow employees with disabilities the time necessary to establish their work-based needs (McDonough, 1992). Therefore, it is extremely important for the employee with a disability to be aware of needs and to be ready to address accommodations for those needs when asked. If their input regarding accommodations is not requested, the individual must learn how to approach the subject themselves. Although asking for help is difficult for many people with disabilities to do, it is a very important step in acquiring employment. Prospective employers will probably appreciate an employee who will ask for a specific accommodation rather than simply expecting the employer to know what is needed (McDonough, 1992). No one knows what accommodations will be necessary better than the person with the disability.

Be Familiar with the Accommodations for You

Under the ADA, employers are required to provide reasonable accommodations for applicants and workers with disabilities. However, accommodations which would cause "undue hardship" for the employer are not required. "Undue hardship" describes a cautionary measure designed to protect the employer from being required to provide accommodations which are unreasonable in terms of difficulty or expense.

Overhead #9
Undue Hardship
Determinants

Examples of accommodations are:

1. The provision of reserved parking spaces.
2. Furniture arrangement.
3. Modification of physical structures or particular offices or jobs so that they are in facilities or parts of facilities that are accessible to people with disabilities.
4. Braille signs.
5. Assistive technology, (i.e. interpreter, readers).

It is essential for an individual with a disability to know, to the best of their ability, what type of accommodation they will require to perform any job or function prior to applying. It will not be possible to know every specific accommodation or modification, however, but an understanding of the position in a broad sense will be very beneficial. To accomplish this, the applicant will need to have a very good idea of what will be involved in the performance of that job. It is advisable for the applicant to investigate the company, as well as the position they are applying for, prior to making application and/or being interviewed for the position. The more prepared the individual

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is, the more secure they will feel about their ability to do the job and this will be communicated to the potential employer during the interview. Employers are going to hire the applicants they determine are best qualified for the job, whether there is a disability involved or not (McDonough, 1992).

D. THE PERSON/FAMILY MUST FEEL A STRONG NEED FOR CHANGE.

Being an advocate requires a lot of hard work and persistence. So, you need to feel strongly about a need or problem if you are going to get involved in the advocacy process. The following are some personal attributes you must possess if you are going to be an advocate:

- You must be committed!—advocacy takes lots of time and energy.
- You must be persistent—have to be willing to try more than once.
- You must be flexible—accept that change isn't always going to happen the expected way.
- You must be creative—believe that there is usually another angle to pursue.
- You must be ethical—don't lose the battle with your credibility.
- You must be willing to express appreciation—turn an acquaintance into an ally.
- You must be able to keep things in perspective: be able to separate from the issue—don't become consumed—remain objective—a little sacrifice expected—be aware of the cost to the rest of your life and those around you.
- You must be able to keep a sense of humor.

E. THE PERSON/FAMILY MUST IDENTIFY THE REAL NEED OR PROBLEM.

Often times it's easier to see the symptoms of problems than it is to see the cause of problems. It usually saves time in the long run if you take some time to really understand why the problem exists. Gather information about the need or problem situation and determine if it's something that:

- Really needs to be addressed and when.
- Can be addressed, or is something to be coped with.
- You really want to address this problem.

Determine the cause of the need or problem:

- Is it due to existing resources not meeting needs?
- Is it due to a lack of resources to address needs?

- It is due to no apparent means to address the needs?

Determine how big the problem is. First, determine if it can be addressed. If so then will it necessitate:

- Individual advocacy for change within an existing resource system?
- Group advocacy for change within an existing resource system?
- Individual advocacy for development of resources?
- Group advocacy for development of resources?

Clearly define the need or problem to be addressed based on the above information and write it down in a clear, complete, concise statement.

F. SELF-ADVOCATES MUST EDUCATE THEMSELVES ON THE BEST WAY TO HANDLE THE STATED NEED OR PROBLEM.

Become familiar with the different parts of the system or organization. For instance:

- The part that provides the actual service.
- The parts that help support and maintain the service.
- The part that manages the service and that can be influenced politically.
- The part set aside to allow for input from people so that change can be made to the service.

Become familiar with the boundaries that people have to work within. For instance:

- Legal boundaries: The laws, and rules, and regulations that govern the operation of an organization.
- Technical Boundaries: The knowledge available to service providers on how to address a problem or need.
- Limited Resources; The amount of money, staff, time, etc., available to provide a service.

Become familiar with both the formal and informal power structure:

- Identify the people who are able to get things done within or around the boundaries.
- Find ways to either get key people to cooperate or be able to isolate them in order to put pressure on them to fulfill their responsibility. (Note: Make sure that the person you put

pressure on actually has the ability to accomplish the assistance you need).

G. THE PERSON MUST DEVELOP A PLAN OF ACTION TO TACKLE THE DEFINED NEED OR PROBLEM.

- Brainstorm for different ways to try to meet the needs or solve the problem.
- Consider how long each alternative action might take to do as well as how much it might cost financially (for you and the other side).
- Decide who will do what and according to what time frame(s).
- Review the need for additional resources and assemble them as best you can.
- Anticipate what lines of resistance you might need and possible repercussions.
- Decide which alternative action plan to implement. Then, draft your plan of action designating who is going to do what, where, when, and how.

H. SELF-ADVOCATES MUST BE WILLING TO TAKE ACTION ONCE THEY HAVE DECIDED ON A PLAN OF ACTION.

- Taking action requires being persistent and in control of yourself.
- Taking action requires communicating and developing relationships with others who can assist you in your cause.
- Taking action may require "playing hardball" when necessary.
 - File a formal grievance.
 - Initiate a due process hearing.
 - Write a letter to the responsible agencies.
 - Bring political pressure on legislators and administrators.
 - Contact advocacy groups.
 - Contact the news media to get publicity.
 - Take an agency to court.
- Taking action requires you to continually evaluate how effective your plan is and to adjust the plan when needed.

To Trainer: The next section gives "hands-on" advice for becoming an advocate. If there is a time constraint, review a few examples.

Handout #4
"Being an Advocate"

V. "Being an Advocate"

There are a number of things that can be done in becoming an advocate which can greatly assist you.

"Very Important Papers File"

People do not realize just how much "resource material" they have available to them when dealing with the many issues involved in eligibility hearings, appeals procedures, administrative reviews, etc. It is very important to maintain, and have easily accessible, the documentation needed to present your case. You should establish a "Very Important Papers File" which may consist of medical evaluation(s), psychiatric/psychological evaluations, habilitation/rehabilitation plans, Individualized Education Plans, financial information, and any other information which will affect your contention or argument. If in doubt about whether or not to keep a piece of paper or documentation, keep it. Also, keep copies of any and all letters, reports, communications from and to the person or agency with whom you are corresponding.

Obtaining Records

Depending on what particular agency you are dealing with, methods and timeliness for obtaining records may vary greatly. Having current, thorough records will only help your situation. Learn the agency's rules/procedures for obtaining copies of records (in fact, ask for copies of the agency's rules or regulations on obtaining materials) and then ask for the specific materials that you want. Also, ask for copies of policies pertinent to your situation. The thing to remember is that you do have access to records and information. If you are denied access, demand a full explanation for what is left out and why.

Preparing for Advocacy

In preparing for advocacy, it often is helpful to sit down and organize your thoughts and papers so that you can prepare more effectively. Often it may help to write a brief outline (or outlines) of what you want to say or prove. You should write down steps you are going to take to prove your point and, perhaps, specify the material you know about that helps to prove the point. In the outline, also, you can summarize the subjects you want to cover and the matters that you want to emphasize. Also, it is useful to make additional copies of papers which you may want to share with other people, including

those people who may be working for the agency with which you are dealing. Also, in preparing your case it may be helpful to highlight or underline points on the papers that you are using so that these points stand out in your sight.

When sending letters to an agency employee, it may be beneficial to prepare a first draft of your letter before sending out the final copy. **BE SURE TO KEEP A COPY FOR YOURSELF OF ANYTHING THAT YOU SEND TO SOMEONE ELSE.**

In addition, if someone sends you a document that you do not fully understand, or a person uses a word or phrase that is not clear to you, do not hesitate to ask for an explanation. Talking with agency staff is important to help gain information about their views and so they know your position. Also, after a telephone conversation with a person, send that person a letter which summarizes the substance of your conversation. Include in the letter a request that the person let you know if he disagrees with your summary.

Advocating by Letter

The key thing to remember when writing a letter is to **be brief and to the point** (one page). If you want the person to read additional material supporting your view, attach the material to your brief letter. Also, **USE YOUR OWN WORDS!**

The following information should be in your letter:

1. Identify who you are (i.e., a parent of a child with a disability, a service provider, an adult with a disability, a tax payer, etc.)
2. Be definite and direct (i.e., We want..., I urge you to...We want support for...We oppose...,etc.)
3. Identify the issue with specific reference to any rule, regulation, procedure, law, etc.
4. State briefly why you are taking the position you are taking. Explain how the issue affects your client, you, your family, the people you serve or work with, etc.
5. Type or write your letter legibly.
6. Sign your name and give your address on the letter. You also may want to request a response from the person (with a deadline for the response if this is appropriate).
7. **Keep a copy of your letter for your files.**

Advocating by Telephone

When calling:

1. Identify yourself by name, locale, and issue/situation ["I am John Doe from Columbia, and I am calling on behalf of my daughter, Jane Doe's, application for transportation services."]
2. Try to establish a good rapport with the person. Ask for the person's name for future purpose—be friendly. If the person has aided you before, thank him for his support.
3. Identify the issue you are interested in as specifically as possible.
4. Briefly state your position and the action you would like the person to take. Explain in as much detail as necessary (but not more) why you are taking the position you are taking. You will want to follow up your call with a letter confirming the substance of your telephone conversation.
5. If appropriate, ask that your opinion/concern be relayed to the person's supervisor.
6. If appropriate request a response (by a certain date, if this is appropriate).

Advocating by Sending Letters to the Editor

Letters to the editor are a unique way of reaching thousands of people who otherwise might not be aware of the critical issues which are of concern. Even if your letter is not published it may inspire an editorial on the subject.

Getting your letter published in the newspaper:

1. Write about an issue or topic which is currently in the news. Timing is important; if your letter arrives too early it may be forgotten and if it arrives too late, it will not be newsworthy.
2. You can write in response to an editorial or an opinion piece you have read. Most papers will publish these types of letters first.
3. Look in the paper to see the average length of the letters published in the editorial section; keep you letters within this same length.
4. Make your letters concise and to the point. Avoid rambling; stick to one subject.
5. Show how your issues should be of concern to the general public; remember, you are trying to convince others that the issue is important. If you can, briefly suggest ways in which the problem you have presented can be solved.
6. Sign your name, address, and telephone number to your letter

(your address and telephone number will not be printed in the paper). Keep a copy for your files.

The key to having letters printed is to keep them clear, precise, and complete. Newspapers often receive more letters on any one issue than they can possibly print. If your letter does not get printed the first time, keep trying.

When Do You Need A Lawyer?

Threshold question: Can I self-advocate or obtain advocacy assistance?

Three key questions:

1. Have I exhausted administrative remedies? (has an official "hearing record" been developed)?
2. Will winning a lawsuit really solve/resolve the dispute?
3. Can I afford litigation (time, energy, and money)?

Where do I find a lawyer?

1. Legal Aid groups
2. Missouri Protection and Advocacy Services
3. Lawyer referral and word-of-mouth

What to bring to meet with a lawyer:

1. Applications/contracts with parties of dispute.
2. Correspondence sent/received (dated).
3. Written notes about dealings; names of persons with whom you have dealt (including dates).
4. Reports of conversations with all parties regarding dispute (including dates).
5. Summary of complaint against parties of dispute.

Key point: Define the bottom line/outcome you desire.

How to hire a lawyer:

1. Define issue/role for representation.
2. Establish fee arrangement: hourly, contingent, statutory and award fees.
3. Establish time table for activities.
4. Establish method to correspond.

VI. Skill Development

To Trainer: Listed below are several exercises which are beneficial to help people develop communication skills. Pick at least two of these exercises for use with the group. You will need to ask for volunteer participants from the group for some of the exercises. For others, the group should be divided into pairs so that all group members can participate.

Jakubowski-Spector, (1973) defines these three terms in the following way. Passive behavior is a failure to stand up for oneself, or to stand up for oneself in an effectual manner. This behavior could allow situations where an individual's rights could be easily violated.

Assertive behavior could be defined as standing up for oneself in a way that you do not violate the rights of another person. Assertiveness represents a direct, honest, and appropriate expression of an individual's feelings and opinions. Aggression is standing up for oneself in a way that the rights of the other person are violated.

Jakubowski-Spector, (1973) provides a chart of behaviors which contrasts the three behaviors. The chart contrasts characteristics of each behavior, an individual's feelings when engaging in the behavior and other people's feelings about themselves when you engage in the behavior.

To Trainer: Discuss entries under each behavior as you feel appropriate. For discussion purposes, ask the group members to state examples of their own assertive, passive and aggressive behaviors. Pass out scenarios 1 and 2 to the groups respectively. These are two different work place scenarios that might be encountered by persons with disabilities. Please read the scenario silently and then discuss it with your group. With your group answer the questions that follow each dilemma. Choose one group member to record your decisions.

Allow approximately 10-15 minutes for each group to complete their discussion.

SCENARIO 1: Talking to a Supervisor

Brad recently began working for a sales firm. He was asked by his supervisor to prepare a sales report for the previous six months. The supervisor gave him a written list of sketchy requirements and guidelines for the project. Brad was unable to completely understand what his supervisor expected from this list of instructions. He was

Overhead #10
Comparison Behaviors

Handouts: #5 & #6
Scenario 1
Scenario 2

SA18

uncertain as to whether he should attempt to complete the report from the information he had or to go to the supervisor for clarification. He consulted with a friend in the office who encouraged him to finish the report without contacting the supervisor. Their fear was that the supervisor would feel Brad did not have the initiative to complete the project without someone detailing explicitly each step in the process. Brad decides to follow his friend's advice.

- Is Brad acting in a passive, aggressive or assertive manner?
- What are the problems in this situation?
- What could Brad do to handle the situation assertively?
- Write out a sample dialogue of what Brad could say to his supervisor?
- What would you do if you were in Brad's situation?
- Have you ever had this happen to you? What did you do? How did it turn out?

SCENARIO 2

Jonathan was hired to work as a receptionist for a telephone sales company. Part of his responsibilities are to coordinate the distribution of orders to appropriate departments and to send memorandums from his employer to various offices throughout the company. This process is confusing to Jonathan. There are no written guidelines and all instructions are given verbally and quickly. Jonathan had difficulty keeping track of the order of the priority of his duties each day and of each step required to accomplish each task. Consequently, he fails to complete some of the tasks that should be of first priority for several days in a row. When his boss questions him about this, he gets upset, tells his boss that he was not aware that he had been neglecting his duties and accuses his boss of not explaining the job responsibilities clearly.

- Is Jonathan acting in a passive, aggressive or assertive manner?
- What are the problems in this situation?
- What could Jonathan do to handle the situation assertively?
- Write out a sample dialogue of what Jonathan could say to his supervisor?
- What would you do if you were in this situation?
- What could Jonathan have done earlier to keep the situation from getting this far?
- Has this ever happened to you? What did you do? How did it turn out?

I would like for one member of each group to briefly describe your scenario and share your answers with the rest of the group.

To Trainer: You may wish to follow up the discussion with a role play of each of the scenarios.

As was demonstrated by scenario 1, it is sometimes necessary to contact someone in authority (professor, supervisor, manager) to discuss situations. Here are some guidelines for personal contacts that may be beneficial in such circumstances:

- Make an appointment.
- Be on time for the appointment.
- Introduce yourself (i.e., which class you are in, which department you work for).
- Be calm and courteous.
- Be prepared:
 - Bring in the material you have questions about.
 - Be prepared to problem solve or look for alternative answers.
- Leave a positive impression.

Overhead #11
Guidelines for Personal
Contacts

Overhead #12
Checklist for Assertive
Behavior

To Trainer: Read and discuss the material from the overhead as is appropriate.

Here is a checklist for assertive behavior that would be beneficial for each of us to keep in mind as we develop or assist others to develop assertive behavior.

- Have a clear and reasonable goal in mind. Write it out!
- Decide that the relationship is one that is worth taking a risk.
- Choose an appropriate time to make sure the conflict can be fully discussed.
- Focus on the issue. (The issue is...)
- Define the conflict in specific terms. (I see...I hear...)
- Communicate your feelings about the issue. (I feel...)
- Express the fact that you want to solve the conflict cooperatively. (I want...)

To Trainer: Discuss these guidelines with the group. It may be advantageous to provide copies of the guidelines and of the guidelines and to the checklist to the group members.

VII. Portfolio

A portfolio, for our purposes, is a process and a product. It is a process that each individual student will go through to prepare

themselves for employment. It will be ongoing and will have periodic changes and/or additions as the student progresses through postsecondary education and the search for employment.

The product will be a resume, letters of recommendations, samples of projects or work completed, specific knowledge about the working environment of the desired employment setting, any accommodations that will be needed for that environment and specific abilities of the individual.

Included with this module is an example portfolio. Sections of the portfolio are not yet complete as the process has not been completed. Some of the ideas and suggestions for this section were adapted from a presentation given by Dr. David Baggett, University of Massachusetts at Amherst.

Handout #7/Overhead #13
I Can Plan

The I Can Plan was developed for students to use during their career counseling with the university. This plan summarizes and organizes the students career information into an easy to follow form. The I Can Plan begins by addressing the student's demographic information. It then asks what are the students career goals, various counselor information, academic history and career assessment test information. The I Can Plan continues by addressing the student's work history, job related skills, extra-curricular activities, volunteer work, disability and needed accommodations. The I Can Plan is not limited to students with disabilities but is functional enough to use will all students. Additional information may be added to this plan such as letters of recommendation and completed projects.

VIII. Resources

The Equal Employment Opportunity Commission has developed several resources to help employers and people with disabilities understand and comply with the employment provisions of the ADA. These resources include a Technical Assistance Manual and a variety of brochures, booklets and fact sheets. The Technical Assistance Manual provides "how to" guidance on the employment provisions of the ADA as well as a resource directory to help individuals find specific information.

Handout #8
Resource Numbers and
Addresses

The following list contains telephone numbers and addresses of Federal agencies that are responsible for providing information to the public about the ADA and organizations that have been funded by the Federal government to provide information through staffed information centers.

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1. Architectural and Transportation Barriers Compliance Board
1331 F Street NW
Suite 1000
Washington, DC 20004-1111
1-800-872-2253 (V/TDD)
2. Equal Employment Opportunity Commission:
1801 L Street, NW
Washington, D.C. 20507
(info/documents) 202-669-4900 (V)
1-800-800-3302 (TDD)
Alternate numbers for ordering documents: 202-663-4395 (V)
202-663-4399 (TDD)
3. St. Louis District Office
Missouri Commission on Human Rights
625 North Euclid Street, Suite 605
St. Louis, MO 63108
314-425-6585 (V)
314-279-6547 (TDD)
1-800-877-6247
4. Office on the ADA
Civil Rights Division
U.S. Department of Justice
P.O. Box 66118
Washington, DC 20035-6118
202-514-0301 (V)
202-514-0381 (TDD)
5. Federal Communications Commission
1919 M Street NW
Washington, DC 20554
202-632-7260 (V)
202-632-6999 (TDD)
6. Job Accommodation Network
1-800-526-7234 (V/TDD)
7. U.S. Department of Justice
Civil Rights Division
Public Access Section
P.O. Box 66738
Washington, DC 20035-67386
202-514-0301 (V)
202-514-0383 (TDD)
8. U.S. Department of Transportation
400 Seventh Street SW
Washington, DC 20590
202-366-1656 (voice only)

Regional Disability and Business Technical Assistance Centers

ADA information, assistance, and copies of ADA documents supplied by the EEOC and the Department of Justice, which are available in standard print, large print, audio cassette, braille and computer disk, may be obtained from any of the ten Regional Disability Business Technical Assistance Centers.

Toll-free number for reaching any of the ten centers 1-800-949-4232

(V/TDD)

Region VII (Iowa, Missouri,
Nebraska, Kansas)

314-882-3600

(V/TDD)

IX. Conclusion

With the passing of ADA, more rights have been given to individuals with disabilities. However, this also means more responsibilities are given. It is important that individuals learn how to self-advocate; people are not going to do it for them. Self-advocacy is a skill to be learned and practiced. It does not always come easy but the benefits are worth it.

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OVERHEADS

1. Objectives
2. Successful Self-Advocate
3. Why Self-Advocacy Is Important
4. Rights
5. Specific Advocacy Skills
6. Passive, Assertive, and Aggressive Behaviors
7. Responsibilities
8. Sample Goal Worksheet
9. Undue Hardship Determinants
10. Comparison Behaviors
11. Guidelines for Personal Contacts
12. Checklist for Assertive Behavior
13. I Can Plan

OBJECTIVES

1. Gain an understanding of the term self-advocacy and what it means in relation to people with disabilities.
2. Demonstrate the responsibilities of the student in relation to knowing their own strengths, weaknesses, needs and necessary accommodations.
3. Describe specific skills which are important for effective self-advocacy.
4. Provide resources of various agencies and organizations that serve as advocates for people with disabilities.

SUCCESSFUL SELF-ADVOCATE

Becoming a successful self-advocate includes:

- being assertive
- effectively communicating needs
- understanding why accommodations are required
- understanding what accommodations are required
- believing in yourself

**WHY SELF-ADVOCACY IS
IMPORTANT**

GAIN CONTROL

DEVELOP RESOURCES

**BECOME A PARTICIPATING,
CONTRIBUTING ADULT**

**BECOME INDEPENDENT AND
SELF-SUFFICIENT**

RIGHT TO:

- life
- choice
- freedom
- making your own decision
- marry
- use birth control
- have help when voting
- say "NO"
- worship
- due process
- petition for change
- equal protection
- vote
- the least restrictive environment
- informed consent

Overhead #5

Specific Advocacy Skills

- Seek the assistance of another person
- Learn the terminology and legislation
- Seek information
- Find programs and services for the person
- Acquire new skills
- Problems can be seen as "challenges"
- Communication

PASSIVE, ASSERTIVE AND AGGRESSIVE

PASSIVE--Passive behavior is a failure to stand up for oneself or to stand up for oneself in an effective manner. This behavior could allow situations where an individual's rights could be easily violated.

ASSERTIVE--Assertive behavior could be defined as standing up for oneself in a way that does not violate the rights of another person. Assertiveness represents a direct, honest and appropriate expression of an individual's feelings and opinions.

AGGRESSIVE--Aggressive behavior is being standing up for oneself in a way that the rights of the other person are violated.

RESPONSIBILITIES

- the responsibility to register as a voter before election time
- to know who the candidates are before voting
- the responsibility to go to work everyday
- to be on time
- to do a job the best you can
- to be responsible to know how you will get to work, whether it is by taxi, bus, commuter train or by way of a reliable friend.

Overhead #8

SAMPLE GOAL WORKSHEET

List a goal you would like to achieve. Plant a flower garden in the spring

List your strengths that will help you achieve this goal.

1. Enjoy working outside.
2. Have knowledge in a related area (i.e., vegetable garden).
3. Have a working knowledge about differences between annuals, perennials, etc.
4. Highly motivated to enter a flower arrangement in the fair.

List any weaknesses which may hinder achieving you goal. Under each weakness list steps you could take to overcome, compensate for, or accommodate the weakness.

1. Do not know what type of flower for this region.
 - a. Obtain books on flowers from library or bookstore.
 - b. Consult with nursery personnel.
2. Lack of knowledge of the type of soil of the area and the type of fertilizer to use.
 - a. Have a soil sample tested at the Conservation office.
 - b. Consult with nursery personnel.
3. Previous commitments allow very little time for this task.
 - a. Rearrange priorities to make this a higher priority.
 - b. Start out with a small garden which will demand less time.
4. _____
 - a. _____
 - b. _____

UNDUE HARDSHIP DETERMINANTS

- 1. The nature and cost of the accommodation.**
- 2. The resources and size of the business as a whole.**
- 3. The facility making the accommodations.**
- 4. The type of business operation being affected, including the composition, functions and structure of the work force.**
- 5. The impact that the accommodation would have on the facility making the accommodation and the business as a whole.**

COMPARISON OF BEHAVIORS

Characteristics of the Behaviors

<u>Passive</u>	<u>Assertive</u>	<u>Aggressive</u>
Emotionally	Appropriately	Inappropriately
Dishonest	Emotionally	Emotionally
indirect	honest, direct	honest, direct
self-denying	self-enhancing	self-enhancing at the expense of another
inhibited	expressive	expressive

Adapted from Jakubowski-Spector, (1973)

Overhead #11

GUIDELINES FOR PERSONAL CONTACTS

1. Make an appointment.
2. Be on time for the appointment.
3. Introduce yourself (i.e., which class you are in, which department you work for.
4. Be calm and courteous.
5. Be prepared:
 - Bring in the material you have questions about.
 - Be prepared to problem solve or look for alternative answers.
6. Leave a positive impression.

CHECKLIST FOR ASSERTIVE BEHAVIOR

- Have a clear and reasonable goal in mind. Write it out!
- Decide that the relationship is one that is worth taking a risk.
- Choose an appropriate time to make sure the conflict can be fully discussed.
- Focus on the issue. (The issue is...)
- Define the conflict in specific terms. (I see...I hear...)
- Communicate your feelings about the issue. (I feel...)
- Express the fact that you want to solve the conflict cooperatively. (I want...)

INDIVIDUAL CAREER PLAN
University of Massachusetts at Amherst
Center for Counseling and Academic
Development

Name: _____
Student Number: _____ Date of Birth: ____ Sex: __F__M
Home Address: _____ Level: __AS __B __M __Phd/EdD
Home Telephone: _____

Career Goal _____

Counselor Information	Frequency of Contact
Case Manager: _____	_____
Academic Advisor: _____	_____
College: _____	_____
Department: _____	_____
Present Major: _____	_____
Course Work Completed: (transcript attached w/GPA)	_____

History of Academic Major			
Old Major	New Major	Why Changed	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Division of Counseling Psychology Services		
Vocational Assessments	Date Taken	Counseling Date
Strong-Campbell	_____	_____
Meyers/Briggs	_____	_____
Other(s)	_____	_____
Career Counseling	_____	_____
Workshops	_____	_____

Mather Career Center Activities

Activity	Count	Date	Staff
1.Orientation	_____	_____	_____
2.SIGI	_____	_____	_____
3.Workshops	_____	_____	_____
4.Library Visits	_____	_____	_____
5.Campus Recruiting	_____	_____	_____
6.Employment Referral	_____	_____	_____

	Company	Semester	Year
7.Co-op Placements:	_____	_____	_____
	_____	_____	_____
8.Internships:	_____	_____	_____
	_____	_____	_____

Supplementary Career Information

Type of Information	Source	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Work History

Employer	Job Description	Year	Satisfaction Rating
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Job Related Skills

Type of Skill	Level of Proficiency
_____	_____
_____	_____
_____	_____
_____	_____

Extra-curricular Activities

Activity	Amount of Time/Week	Date

Volunteer Activities

Activity	Amount of Time/Week	Date

Disability

Type	Level

Accommodations

Needed	Received

Recommendations for Future Career Planning

HANDOUTS

1. Objectives
2. Rights
3. Goal Worksheet
4. Being An Advocate
5. Scenario 1
6. Scenario 2
7. I Can Plan
8. Resource Numbers and Addresses

OBJECTIVES

1. Gain an understanding of the term self-advocacy and what it means in relation to people with disabilities.
2. Demonstrate the responsibilities of the student in relation to knowing their own strengths, weaknesses, needs and necessary accommodations.
3. Describe specific skills which are important for effective self-advocacy.
4. Provide resources of various agencies and organizations that serve as advocates for people with disabilities.

RIGHT TO:

- life
- choice
- freedom
- making your own decision
- marry
- use birth control
- have help when voting
- say "NO"
- worship
- due process
- petition for change
- equal protection
- vote
- the least restrictive environment
- informed consent

Handout #3

GOAL WORKSHEET

List a goal you would like to achieve. _____

List your strengths that will help you achieve this goal.

1. _____
2. _____
3. _____
4. _____

List any weaknesses which may hinder achieving your goal. Under each weakness list steps you could take to overcome, compensate, or accommodate for the weakness.

1. _____
 - a. _____
 - b. _____
2. _____
 - a. _____
 - b. _____
3. _____
 - a. _____
 - b. _____
4. _____
 - a. _____
 - b. _____

Being An Advocate

"Very Important Papers File"

Obtaining Records

Preparing for Advocacy

Advocating by Letter

Advocating by Telephone

Advocating by Sending Letters to the Editor

When Do You Need A Lawyer?

Handout #5

Scenario 1: Talking to a Supervisor

Brad recently began working for a sales firm. He was asked by his supervisor to prepare a sales report for the previous six months. The supervisor gave him a written list of sketchy requirements and guidelines for the project. Brad was unable to completely understand what his supervisor expected from this list of instructions. He was uncertain as to whether he should attempt to complete the report from the information he had or to go to the supervisor for clarification. He consulted with a friend in the office who encouraged him to finish the report without contacting the supervisor. Their fear was that the supervisor would feel Brad did not have the initiative to complete the project without someone detailing explicitly each step in the process. Brad decides to follow his friend's advice.

- Is Brad acting in a passive, aggressive or assertive manner?
- What are the problems in this situation?
- What could Brad do to handle the situation assertively?
- Write out a sample dialogue of what Brad could say to his supervisor?
- What would you do if you were in Brad's situation?
- Have you ever had this happen to you? What did you do? How did it turn out?

Handout #6

Scenario 2

Jonathan was hired to work as a receptionist for a telephone sales company. Part of his responsibilities are to coordinate the distribution of orders to appropriate departments and to send memoranda from his employer to various offices throughout the company. This process is confusing to Jonathan. There are no written guidelines and all instructions are given verbally and quickly. Jonathan had difficulty keeping track of the order of the priority of his duties each day and of each step required to accomplish each task. Consequently, he fails to complete some of the tasks that should be of first priority for several days in a row. When his boss questions him about this, he gets upset, tells his boss that he was not aware that he had been neglecting his duties and accuses his boss of not explaining the job responsibilities clearly.

- Is Jonathan acting in a passive, aggressive or assertive manner?
- What are the problems in this situation?
- What could Jonathan do to handle the situation assertively?
- Write out a sample dialogue of what Jonathan could say to his supervisor.
- What would you do if you were in this situation?
- What could Jonathan have done earlier to keep the situation from getting this far?
- Has this ever happened to you? What did you do? How did it turn out?

Handout #7

INDIVIDUAL CAREER PLAN
University of Massachusetts at Amherst
Center for Counseling and Academic
Development

Name: _____
Student Number: _____ Date of Birth: ____ Sex: __F__M
Home Address: _____

Level: __AS__B__M__Phd/EdD
Home Telephone: _____

Career Goal _____

Counselor Information	Frequency of Contact
Case Manager: _____	_____
Academic Advisor: _____	_____
College: _____	_____
Department: _____	_____
Present Major: _____	_____
Course Work Completed: (transcript attached w/GPA)	

History of Academic Major

Old Major	New Major	Why Changed	Date
_____	_____	_____	_____
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_____	_____	_____	_____

Division of Counseling Psychology Services

Vocational Assessments	Date Taken	Counseling Date
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Other(s)	_____	_____
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	Company	Semester	Year
7.Co-op Placements:	_____	_____	_____
	_____	_____	_____
8.Internships:	_____	_____	_____
	_____	_____	_____

Supplementary Career Information

Type of Information	Source	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Work History

Employer	Job Description	Year	Satisfaction Rating
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Job Related Skills

Type of Skill	Level of Proficiency
_____	_____
_____	_____
_____	_____
_____	_____

Extra-curricular Activities

Activity	Amount of Time/Week	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Volunteer Activities

Activity	Amount of Time/Week	Date

Disability

Type	Level

Accommodations

Needed	Received

Recommendations for Future Career Planning

RESOURCES

The Equal Employment Opportunity Commission has developed several resources to help employers and people with disabilities understand and comply with the employment provisions of the ADA. These resources include a Technical Assistance Manual and a variety of brochures, booklets and fact sheets. The Technical Assistance Manual provides "how to" guidance on the employment provisions of the ADA as well as a resource directory to help individuals find specific information.

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Washington, D.C. 20507
(documents) 202-669-4900 (V)
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Alternate number for ordering documents: 202-663-4395 (V)
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Missouri Commission on Human Rights
625 North Euclid Street, Suite 605
St. Louis, MO 63108
314-425-6585
314-279-6547 (TDD)
4. Office on the ADA
Civil Rights Division
U.S. Department of Justice
P.O. Box 66118
Washington, DC 20035-6118
202-514-0301 (V)
202-514-0381 (TDD)
5. Federal Communications Commission
1919 M Street NW
Washington, DC 20554
202-632-7260 (V)
202-632-6999 (TDD)

6. Job Accommodation Network

1-800-526-7234 (V/TDD)

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202-366-1656 (voice)

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